REMARKS

The Non-Final Office Action mailed February 8, 2008 considered claims 36-46. Claims 36-46 were rejected under 35 U.S.C. 103(a) as being unpatentable over Avvari (US 7,165,074) hereinafter *Avvari '074* in view of Ben-Romdhane (US 2004/0031015) hereinafter *Ben-Romdhane*. Claims 36 and 46 were rejected under 35 U.S.C. 103(a) as being unpatentable over Avvari (US 6,978,401) hereinafter *Avvari '401* in view of *Ben-Romdhane*.[1]

As a preliminary matter, applicants thank the Examiner for the courtesies extended during the telephonic interview held on April 29, 2008.

By this paper, claim 36 has been amended. Claims 36-46 remain pending in the application, of which only claims 36 and 46 are independent claims.

The claims as now amended are directed to a method of tracking differences between software builds. In particular, a software product may have different software builds that result from the compilation of source code used to create the builds, where the source code has differences for each of the builds. Dictionaries for different builds may be created by scanning binary builds to discover classes and dependencies. The dictionaries store discovered classes with their dependencies. Different dictionary structures can then be compared to discover differences between the builds. An indication of differences between builds can then be provided. The claims as now amended[2] further recite that providing an indication of differences between builds includes determining what code produced the differences between the first and second binary software builds *and then* generating code, from intermediate code, that produced the differences between the first and second binary builds.

Applicant respectfully submits that the cited art fails to show at least generating code from intermediate code after determining what code produced the differences.

In particular, the Office Action admits at page 3 that *Avvari* '074 does not disclose generating a listing of code from intermediate code. Further, the Office Action at page 7 admits that *Avvari* '401 does not disclose generating a listing of code, from intermediate code.

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[1] Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

[2] Support for the amendments can be found throughout the specification, but with particularity at pages 17, lines 10-12, and page 31 line 20 through page 32 line 9 and Figure 13.

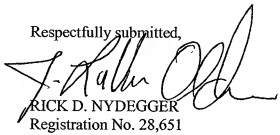
The Office Action cites to *Ben-Romdhane* for showing the generation of a listing of code from intermediate code. However, *Ben Romdhane* fails to disclose generating code from intermediate code, that produced the differences after determining what code produced the differences. In particular, the Office Action appears to equate the LIF object as intermediate code. Thus, in stark and direct contrast, *Ben Romdhane* appears to teach creating an information model from source code (see *Ben-Romdhane* at [0056]), where the information model includes LIF objects (see *Ben-Romdhane* at Figure 4), and then generating a resulting information model that represents differences between compared information models using a difference generator (see *Ben-Romdhane* at [0057]). Thus, if the LIF objects are taken to be intermediate code, it appears that *Ben-Romdhane* teaches directly against of what is recited by the claims of the present application. Namely, *Ben-Romdhane*, if so construed, would appear to teach first converting code to intermediate code, then creating a difference information model, rather than determining what code produced the differences between the first and second binary software builds *and then* generating code, from intermediate code, that produced the differences between the first and second binary builds as is recited by the claims of the present application.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

Dated this 8th day of May, 2008.

Respectfully submitted,



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